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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/966,871	09/28/2001	Alan S. Kopin	00398/512002	4950	
21559	7590 04/17/2003		•		
CLARK & ELBING LLP			EXAMINER		
101 FEDERAI BOSTON, MA			ULM, JOHN D		
			ART UNIT	PAPER NUMBER	
			1646	\checkmark	
			DATE MAILED: 04/17/2003	Ŏ	

Please find below and/or attached an Office communication concerning this application or proceeding.

' Office Action Summary

Application No. 09/966,871

Applicant(s)

Examiner

iner Art Unit John Ulm 1646

Kopin et al.

	The MAILING DATE of this communication appears	on the cover s	heet with	the correspondence address		
	for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.						
 Extens 	ions of time may be available under the provisions of 37 CFR 1.136 (a). In a date of this communication.	no event, however,	may a reply b	e timely filed after SIX (6) MONTHS from the		
- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	and will expire SIX (6 he application to bec	6) MONTHS frome ABANDO	rom the mailing date of this communication. ONED (35 U.S.C. § 133).		
Status						
1) 🗌	Responsive to communication(s) filed on			•		
2a) 🗌	This action is FINAL . 2b) 💢 This action	ion is non-fina	₃I.	. 1		
3) 🗆	Since this application is in condition for allowance e closed in accordance with the practice under Ex par			•		
Disposit	tion of Claims					
4) 💢	Claim(s) <u>1-36</u>			is/are pending in the application.		
4	a) Of the above, claim(s)			is/are withdrawn from consideration.		
5)□	Claim(s)	•		is/are allowed.		
6) 🗆	Claim(s)	,		is/are rejected.		
7) 🗆	Claim(s)			is/are objected to.		
8) 💢	Claims <u>1-36</u>	ar	e subject	to restriction and/or election requirement.		
Applica	tion Papers					
9) 🗆	The specification is objected to by the Examiner.					
10)	The drawing(s) filed on is/are	a) 🗌 accept	ed or b)[\square objected to by the Examiner.		
•	Applicant may not request that any objection to the d	Irawing(s) be h	eld in abe	yance. See 37 CFR 1.85(a).		
11)□	The proposed drawing correction filed on	i:	s: a)□ a	ipproved b) \square disapproved by the Examiner.		
	If approved, corrected drawings are required in reply t	to this Office a	ction.			
12)	The oath or declaration is objected to by the Exami	iner.				
Priority	under 35 U.S.C. §§ 119 and 120			•		
13)	Acknowledgement is made of a claim for foreign pr	riority under 3	35 U.S.C.	§ 119(a)-(d) or (f).		
a) 🗆	☐ All b) ☐ Some* c) ☐ None of:					
	1. \square Certified copies of the priority documents have	e been receiv	ed.			
	2. \square Certified copies of the priority documents hav	e been receiv	ed in App	dication No		
	3. Copies of the certified copies of the priority de application from the International Bure	au (PCT Rule	17.2(a)).			
	ee the attached detailed Office action for a list of the	•				
14) 📙	Acknowledgement is made of a claim for domestic	•				
_	The translation of the foreign language provisiona					
15)	Acknowledgement is made of a claim for domestic	priority under	35 U.S.(J. 93 120 and/or 121.		
Attachm	ent(s) tice of References Cited (PTO-892)	4) Interview C	Summan, (PTC	0-413) Paper No(s)		
	tice of Draftsperson's Patent Drawing Review (PTO-948)			t Application (PTO-152)		
	3) Information Disclosure Statement(s) (PTO-1449) Paper No(s).					
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Claims 1 to 36 are pending in the instant application.

Claims 1 to 36 are generic to a plurality of disclosed patentably distinct species of candidate receptor as represented by SEQ ID NOs:2 to 87, for example, a plurality of disclosed patentably distinct species of G protein as listed in claims 9 and 25, a plurality of disclosed patentably distinct species of response element as listed in claim 28, and a plurality of disclosed patentably distinct species of reporter gene as listed in claim 23. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species of receptor, G protein, response element and reporter gene, even though this requirement is traversed.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

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examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John D. Ulm whose telephone number is (703) 308-4008. The examiner can normally be reached on Monday through Friday from 9:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler can be reached at (703) 308-6564.

Official papers filed by fax should be directed to (703) 308-4242 or (703) 872-9306. Official responses under 37 C.F.R. § 1.116 should be directed to (703) 872-9307.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

JOHN ULM PRIMARY EXAMINER GROUP 1800